

# Wetlands Bureau Decision Report

Decisions Taken  
05/27/2013 to 06/02/2013

*Reviewed by  
NWR 6/3/13*

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.



**MAJOR IMPACT PROJECT**

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**2008-00972                      SPRINGFIELD POINT NIRVANA LLC, JOHN BRESNAHAN**  
**WOLFEBORO   Lake Winnepesaukee**

**Requested Action:**

Request permit time extension.

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**Conservation Commission/Staff Comments:**

Con Com has no concerns

**APPROVE TIME EXTENSION:**

Permanently remove an existing 8 ft x 43 ft crib supported dock, install a 6 ft x 40 ft seasonal dock connected to a 6 ft x 44 ft seasonal dock by a 4 ft x 12 ft walkway in a "U" shaped configuration, anchored by two 7 ft x 3 ft concrete pads, install 2 seasonal boatlifts in two of the slips with a 12 ft x 30 ft seasonal canopy over the center slip, install a 6 ft x 50 ft seasonal dock connected to a 7 ft x 3 ft concrete pad on and average of 233 ft of frontage on Lake Winnepesaukee, Wolfeboro.

**With Conditions:**

1. All work shall be in accordance with plans by Folsom Design and Construction Management dated May 28, 2008, as received by DES on June 05, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. All seasonal structures shall be removed from the lake for the non-boating season.
5. No portion of the westernmost pier shall extend more than 50 feet from the shoreline at full lake elevation.
6. Canopies shall be of seasonal construction type with a flexible fabric cover and shall be removed for the non-boating season.
7. Boatlifts shall be of seasonal construction type which shall be removed for the non-boating season.
8. The concrete pads shall be located entirely behind the natural shoreline and above full lake elevation of 504.32.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

**With Findings:**

1. The owner, authorized agent or applicant certifies that this permit qualifies for a permit extension in accordance with RSA 482-A:3, XIV-a, and Env-Wt 502.01.
2. This permit has been extended in accordance with RSA 482-A:3, XIV-a and Env-Wt 502.01.

**2012-02549                      KEENE, CITY OF**  
**KEENE**

**Requested Action:**

Amend permit to change the installation of an 11-foot x 3.2-foot open-bottomed box culvert at the main channel (STA 4+88) to an 11-foot x 4-foot closed bottom box culvert.

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**APPROVE AMENDMENT:**



Dredge and fill 8,350 square feet and temporarily impact 5,700 square feet of unnamed intermittent tributaries to Beaver Brook and associated wetlands to repair 1,630 linear feet of riprap bank, install grade control structures, replace twin 30-inch and 18-inch ADS culverts with an 11-foot x 4-foot closed box culvert at the main channel (STA 4+88) and a 24-inch RCP with a 42-inch RCP at the west channel (STA 9+58, Add Alternate). The project is required to repair damages sustained during the May 2012 storm.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated SEPT. 2012, as received by the Department on September 20, 2012; and plans dated OCT. 2012, as received by the Department on October 15, 2012; and amended plans dated SEPT 2012, as received by the Department on March 11, 2013.
2. Extreme precautions shall be taken within stream bank and buffer areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.
3. Materials used in the channel bottom must be natural stream substrate and shall not include angular riprap or gravel.
4. Work shall be done during low flow conditions.
5. This permit is contingent on receipt, by the DES Wetlands Bureau, of the final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
6. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the bank stabilization and stream restoration is constructed in accordance with the plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
7. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. There shall be no excavation or operation of construction equipment in flowing water.
11. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
13. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. Proper headwalls shall be constructed within seven days of culvert installation.
17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
21. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
22. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
23. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in



sediment entering a wetland or surface water.

24. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

**With Findings:**

DES reaffirms original findings no.'s 1 - 13:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The project is required to repair damages sustained during the May 29, 2012, storm event, during which the high discharges and velocities of the stream caused sections of Belvedere Road to be overtopped and completely eroded away.
3. Per Env-Wt 302.03(c)(2)(c), because the project involves only riprap or other bank stabilization to protect an existing City road, mitigation is not required.
4. The Natural Heritage Bureau report stated, "We currently have no recorded occurrence for sensitive species near this project area."
5. The engineering report notes that the channel location has not change; only widened in some locations.
6. The engineering report notes that the main channel Tier 2 stream crossing is sized to pass the 100-year storm without roadway overtopping.
7. In-stream work is limited by the streams proximity to Belvedere Road and the width of the right-of-way that is estimated to end mid-channel or at the far bank of the main channel.
8. The plans show a base bid layout, and an Add Alternate layout. The base bid layout is the work being performed with FEMA funds. The Add Alternate layout is the additional work that the City may complete with their funding, if approved by the City Council.
9. In email correspondence dated October 15, 2012, the agent indicated it's likely the only portion of the Add Alternate plan the City will complete is installation of the 42-inch culvert in the west channel.
10. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
11. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
12. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
13. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

DES also makes the following additional findings:

14. An amendment request to change the installation of an 11-foot x 3.2-foot open-bottomed box culvert at the main channel (STA 4+88) to an 11-foot x 4-foot closed bottom box culvert was received on March 11, 2013.

**2013-00358                      MERRIMACK, TOWN OF**  
**MERRIMACK   Pennichuck Brook**

**Requested Action:**

Impact 21,113 square feet with the bed and banks of the Pennichuck Reservoir (Pennichuck Brook) for the replacement of the existing 22-foot single span Manchester Street bridge with a 124-foot 2-span structure. Work will take place in the towns of Merrimack and Nashua. Compensatory mitigation includes reconstruction of an eroded road adjacent to a significant red maple swamp located within the Town of Merrimack. Stabilization measures will eliminate erosion in the area and access will be revised away from the swamp. In addition, a one-time payment of \$41,669.31 will be provided by the City of Nashua for the purchase of a conservation easement on approximately 190 acres of land in the Pennichuck Brook area.

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Conservation Commission/Staff Comments:





2/11/13 Con. Com. has no objections.

**APPROVE PERMIT:**

Impact 21,113 square feet with the bed and banks of the Pennichuck Reservoir (Pennichuck Brook) for the replacement of the existing 22-foot single span Manchester Street bridge with a 124-foot 2-span structure. Work will take place in the towns of Merrimack and Nashua. Compensatory mitigation includes reconstruction of an eroded road adjacent to a significant red maple swamp located within the Town of Merrimack. Stabilization measures will eliminate erosion in the area and access will be revised away from the swamp. In addition, a one-time payment of \$41,669.31 will be provided by the City of Nashua for the purchase of a conservation easement on approximately 190 acres of land in the Pennichuck Brook area.

**With Conditions:**

1. All work shall be in accordance with plans by CLD Engineers July 2012 and revised 6/22/12, as received by the NH Department of Environmental Services (DES) on April 18, 2013.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require approval by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. There shall be no excavation or operation of construction equipment in flowing water.
6. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation for access.
12. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired immediately.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
21. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur. A follow-up report shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

**Compensatory Mitigation:**



1. The Town of Merrimack shall submit a dredge and fill application for the restoration work along the Red Maple Swamp Trail in the Grater Woods Conservation Land. The work shall be conducted concurrent with the Manchester Street bridge project.
2. This approval is contingent on a one time payment of \$41,669.31 for the purchase of a conservation easement on approximately 190 acres of land in the Pennichuck Brook area.
3. The payment shall be deposited according to terms provided in the escrow agreement dated February 28, 2013 to go towards the purchase of a conservation easement on land owned by Southwood Corporation in the Town of Merrimack.
4. A copy of the check shall be provided to the Department.
5. The payment shall be received within 120 days of the date of the approval letter or the application will be denied.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c) Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate and Env-Wt 303.02(f) Projects located in or adjacent to prime wetlands designated under RSA 482-A:15
2. Manchester Street receives a high volume of vehicular and pedestrian traffic as it serves residential areas in Merrimack and Nashua. Sinkholes have developed in the road due to loss of material through the dry-laid stone abutments; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the lacustrine resource, as identified under RSA 482-A:1.
6. The detailed plans accurately locate the boundary of the wetlands and prime wetlands.
7. The applicant requested a waiver of Env-Wt 903.03(3) and Env-Wt 903.03(4) as the proposed crossing will be the same as the existing. Although the existing bridge is being replaced with a much longer structure, the proposed work will be completed behind the existing abutments and wingwalls so there will be no change to the streambed materials or dimensions.
8. DES hereby grants the waiver of Env-Wt 903.03(3) and Env-Wt 903.03(4) in accordance with Env-Wt 204.04(a) as granting the request will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety; or an impact on abutting property that is more significant than that which would result from complying with the rule. Furthermore, granting the request is consistent with the intent and purpose of the rule being waived. Strict compliance with the rule will provide no benefit to the public.
9. The Town of Merrimack, City of Nashua, and State of New Hampshire are funding the project and are seeking an Alternative design in accordance with Env-Wt 904.08(b).
10. DES finds that the replacement alternative design meets the requirements of Env-Wt 904.09, Alternative Designs.
11. A New Hampshire Licensed Professional Engineer conducted a hydrological analysis of the existing conditions and proposed replacement.
12. The applicant's engineer has documented that the new structure will pass the 100-year storm event pursuant to Env-Wt 904.05(e).
13. The erosion controls, water velocity controls, grass treatment swales, and stabilization methods will protect the ability of the wetlands to retain floodwaters and silt.
14. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, water treatment system and maintenance program offsets impact from any increased runoff created by the development.
15. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
16. Based on the aforementioned findings, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.
17. The Town of Merrimack and City of Nashua are providing a combination of mitigation options and the department has determined that the proposal meets the requirements of Chapter Env-Wt 800.
18. The parcels to be purchased as mitigation abut Pennichuck Brook that contains an exemplary natural community identified by



the Natural Heritage Bureau and is with the primary water supply for the City of Nashua.

19. The majority of the conservation parcel is rated as Tier 1 habitat by condition in the NH Fish & Game Wildlife Habitat Action Plan.

10. The payment calculated for the proposed wetland loss equals \$41,669.31.

20. The Department decision is issued in letter form and upon notification of the deposit of funds for the purchase, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).

**2013-00365                      WHITE BIRCH POINT ASSOCIATION**  
**ANTRIM   Gregg Lake**

**Requested Action:**

Replenish approximately 2190 sq. ft. of existing beach with no more than 40 cubic yards of sand on Gregg Lake, Antrim.

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**Conservation Commission/Staff Comments:**

Con Com has not submitted comments by March 08, 2013

**APPROVE PERMIT:**

Replenish approximately 2190 sq. ft. of existing beach with no more than 40 cubic yards of sand on Gregg Lake, Antrim.

**With Conditions:**

1. All work shall be in accordance with plans as received by the NH Department of Environmental Services (DES) on May 07, 2013.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. No more than 40 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
4. This permit shall be used only once, and does not allow for annual beach replenishment.
5. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
6. This permit does not allow for beach sand replenishment more than once every 6 years.
7. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

**With Findings:**

1. This is a major impact project per Administrative Rule Env-Wt 303.02(o), replenishment of a beach that exceeds the requirements of minimum impact and minor impact projects.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

**2013-00396                      NH DEPT OF TRANSPORTATION**  
**LITTLETON   Connecticut River**

**Requested Action:**

Repair/ replace or slipline drainage structures, slope pipes, culverts and install outlet protection impacting 45,792 sq. ft. (35,899 sq. ft. temporary) of palustrine and riverine wetlands.

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Conservation Commission/Staff Comments:

Cons. Comm. - no comment

LAC - no comment

APPROVE PERMIT:

Repair/ replace or slipline drainage structures, slope pipes, culverts and install outlet protection impacting 45,792 sq. ft. (35,899 sq. ft. temporary) of palustrine and riverine wetlands. NHDOT project 15931

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design, as received by the Department on Feb. 6, 2013.
2. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site, at the NHDES Office in Concord, N.H. or NHDOT Office in Concord, N.H. to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
11. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
12. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
13. The impacts associated with the temporary work shall be restored immediately following construction.
14. Sensitive areas identified by the Natural Heritage Bureau shall be clearly identified in the field and no trees shall be cut in the immediate vicinity.

With Findings:

1. This is a major impact project per Administrative Rules Wt 303.02(c) and (i), projects that alter more than 20,000 sq. ft. of wetlands and alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The NH Natural Heritage Bureau determined that the project, with conditions, will not have a significant impact a community recorded in the vicinity.





6. The project was coordinated through the Natural Resource Agency monthly meetings and discussed on Jan. 16, 2013.
7. During the Natural Resource Agency monthly meeting, the DES indicated that mitigation would not be required as the majority of the permanent impacts are to provide protection at inlets and outlets.
8. The design includes the removal of perched conditions at sliplinings.

## MINOR IMPACT PROJECT

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**2012-03232                      CONCORD POWER AND STEAM LLC**  
**CONCORD   Merrimack River**

### Requested Action:

Dredge and fill 30 sq. ft. of river bank "Merrimack River" to install a permanent water intake structure for Concord Power and Steam's "new biomass-fired cogeneration plant".

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### APPROVE PERMIT:

Dredge and fill 30 sq. ft. of river bank "Merrimack River" to install a permanent water intake structure for Concord Power and Steam's "new biomass-fired cogeneration plant".

### With Conditions:

1. All work shall be in accordance with plans by VHB plan sheets C-1, C-2, and C-3 dated July 1, 2010 and plan sheet C-4 dated December 15, 2018, as received by the NH Department of Environmental Services (DES) on December 17, 2012.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
3. This permit is contingent on approval by the DES Watershed Management Bureau, Water Quality Planning Section.
4. The applicant shall coordinate with the NH Fish and Game Department on approval of the final sizing and design of the intake screen.
5. This permit is contingent on receiving a Federal Energy Commission ("FERC") license from Public Service of New Hampshire for the water intake.
6. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
7. Any future work on this property or the cogeneration plant site that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. A qualified NH Professional Engineer shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.



15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired immediately.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project proposal was originally submitted and reviewed by the DES Wetland Bureau under File #2008-02801. The application/response submittal expired and the file was closed.
6. The department received a comment/letter, dated January 11, 2013, from Public Service of New Hampshire ("PSNH") requesting the permit be contingent on obtaining a FERC license from PSNH in order to meet the terms of their FERC license Project No. 1893.
7. The applicant is aware of this request and the permit has been conditioned to address PSNH's requirement.
8. The approved permit is for jurisdictional impacts on property owned by the City of Concord, identified as Tax Map 005, Block 002, Lot 011.
9. The applicant has provided a letter of permission, dated November 14, 2008, from the City of Concord to apply for a permit on their property.
10. This permit is not for work on the proposed cogeneration plant property or other impacted properties and any future jurisdictional impacts on this property or other related properties will require a new application and permit from the NHDES Wetlands Bureau.
11. The New Hampshire Fish and Game, Nongame and Endangered Species program has indicated that they do not expect any impacts from the project to the identified species in the vicinity of the project.
12. The applicant has agreed to coordinate the final design of the intake pipe screen with the NH Fish and Game Department.
13. The applicant's agent has indicated that they are in the process of or have obtained all other required NHDES permits.
14. The applicant's agent responded to comments, letter dated January 22, 2009, submitted by the Upper Merrimack River Local Advisory Committee ("UMLAC") to the previous application review (NHDES Wetland Bureau File #2008-02801).
15. The applicant's agent contacted the UMLAC again upon the department's request due to the new application submittal.
16. The UMLAC responded (e-mail dated January 15, 2013) indicating they had reviewed the proposal and had no further concerns.
17. The department has not received any comments from the Concord Conservation Commission regarding this application/approval.
18. The department has not received any comments in opposition to the project.

2013-00742

**BRAVO, STEPHEN**

**WOLFEBORO Lake Winnepesaukee**

Requested Action:

Permanently remove an existing canoe dock and deck, install a 6 ft. x 30 ft. piling dock connected to an existing 6 ft. x 30 ft. piling dock by a 6 ft. x 12 ft. permanent walkway, on an average of 171 sq. ft. of frontage, Lake Winnepesaukee, Wolfeboro.

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Conservation Commission/Staff Comments:

4/15/13 Per DHR, no historic properties affected.

APPROVE PERMIT:

Permanently remove an existing canoe dock and deck, install a 6 ft. x 30 ft. piling dock connected to an existing 6 ft. x 30 ft. piling dock by a 6 ft. x 12 ft. permanent walkway, on an average of 171 sq. ft. of frontage, Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Don Carey dated March 20, 2013, as received by the NH Department of Environmental Services (DES) on May 29, 2013.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. The existing non-conforming dock shall be completely removed prior to the construction of the new permanent dock.
5. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
6. Repairs shall maintain existing size, location and configuration.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. This permit does not allow for maintenance dredging.
9. The dock shall not extend more than 30 ft lakeward at full lake elevation of 504.32.
10. The minimum clear spacing between piles shall be 12 feet.
11. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system which exceeds the criteria for minimum impact projects.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 171 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
6. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**MINIMUM IMPACT PROJECT**

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**2012-00008**

**DOW, JOHN**

**CANAAN Ditch**

Requested Action:

Impact 752 square feet of wetland for the installation of a culvert.

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**APPROVE PERMIT:**

Impact 752 square feet of wetland for the installation of a culvert.

**With Conditions:**

1. All work shall be done in accordance with plans by CLD Consulting Engineers entitled: NHDES Wetland Permit Plan (Sheets EX1, EX2, P1 and P2) dated March 2013 revised April 01, 2013 as received by the Department on May 08, 2013.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
3. A qualified professional engineer shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur.
4. The vegetation on both sides of the drain pipe shall be maintained and the crushed stone shall be kept clear of debris.
5. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
6. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04 (f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. A report by a professional engineer stated that the proposed design should improve the stormwater and flood handling capabilities of the swale and not result in increased flooding on adjacent properties.
6. A 700 square foot floodplain area will be excavated to provide a total flood storage capacity greater than that which currently exists.
7. A catch basin will be installed with a two foot deep sump for sediment collection. The Town of Canaan Road Agent will maintain the catch basin annually.
8. The vegetation on both sides of the drain pipe will be maintained and the crushed stone will be kept clear of debris.
9. The proposed work has been coordinated and reviewed by the Town of Canaan Road Agent.
10. In a letter dated April 01, 2013, the Town of Canaan provided written permission to connect the drainage to the Town culvert.
11. The wetland swale was a conveyance for open sewer discharges prior to the Town installing a community sewer collection system.
12. No comments were submitted from the NH Natural Heritage Bureau or the NH Fish and Game Department.





Requested Action:

Impact 1,946 square feet of forested wetland for installation of a 36-inch by 54-foot HDPE culvert for the construction of a shared driveway to access a 3-lot residential, duplex cluster subdivision of 29.83 acres with 26.58 acres remaining as open space in perpetuity.

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APPROVE PERMIT:

Impact 1,946 square feet of forested wetland for installation of a 36-inch by 54-foot HDPE culvert for the construction of a shared driveway to access a 3-lot residential, duplex cluster subdivision of 29.83 acres with 26.58 acres remaining as open space in perpetuity.

With Conditions:

1. All work shall be in accordance with plans by S.E.C. & Associates, Inc. dated December 28, 2012 and revised 3-28-1013, as received by the NH Department of Environmental Services (DES) on April 3, 2013.
2. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. DES Southeast region staff (Portsmouth office) shall be notified in writing prior to commencement of work and upon its completion.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require further permitting by the Bureau.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Work shall be done during seasonal low flow conditions.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. A 25-foot no cut buffer shall be provided at the rear of the proposed common areas serving units 5A&B and 6A&B.
12. No trees shall be removed to construction the walking trail.
13. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant;
2. The impacts are necessary to access the parcel; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. On March 6, 2013, DES sent a 'Request for More Information' (RFMI) to the agent requesting, in summary, the following: a. Confirm the size of the contributing watershed; b. Address the concerns raised by the Newton Conservation Commission; and, c. Address the concerns of several abutters.



6. On May 6, 2013, DES received a response to the RFMI satisfying the requests.
7. A memo from the NH Natural Heritage Bureau (NHB) dated January 22, 2013 was included with the application in response to the NHB memo NHB12-0041 which had indicated an exemplary community near the proposed project, Atlantic white cedar, yellow birch, and pepperbush swamp. Following their review of a written description and site plans, the "NHB does not expect impacts to this exemplary wetland community."
8. In an email the Newton Conservation Commission states, 'The changes have the [Newton] Conservation Commission's approval.'

## FORESTRY NOTIFICATION

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**2013-01273                      FOSS MOUNTAIN FARM REALTY TRUST**  
**EATON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Eaton, Tax Map #R8, Lot #13

**2013-01279                      FOSS-MONSON, CAROLYN**  
**COLUMBIA   Unnamed Stream**

COMPLETE NOTIFICATION:  
Columbia, Tax Map #417, Lot #44.1

**2013-01293                      ROBIE, NEIL**  
**PIERMONT   Unnamed Stream**

COMPLETE NOTIFICATION:  
Piermont, Tax Map #R3, Lot #30

**2013-01357                      KILLILEA, THOMAS**  
**HARRISVILLE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Harrisville, Tax Map #10, Lot #9

**2013-01370                      HYLAND, ANNE/JOSEPH**  
**MARLOW   Unnamed Stream**

COMPLETE NOTIFICATION:  
Marlow, Tax Map #406, Lot #004

**2013-01373                      SHAWN W HATHAWAY REVOCABLE TRUST**  
**DANBURY   Unnamed Stream**



COMPLETE NOTIFICATION:  
Danbury, Tax Map #409, Lot #12

**2013-01374                      CRAIG, CLARK**  
**ANTRIM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Antrim, Tax Map #226, Lot #10

**2013-01384                      CANTERBURY SHAKER VILLAGE**  
**CANTERBURY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Canterbury, Tax Map #15, Lot #27

**2013-01386                      90 DORRS CORNER REALTY TRUST**  
**OSSIPEE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Ossipee, Tax Map #224; 228, Lot #8; 2

**2013-01387                      DUPONT, VALERIE**  
**CENTER HARBOR   Unnamed Stream**

COMPLETE NOTIFICATION:  
Center Harbor, Tax Map #222, Lot #029

**2013-01394                      BALD PEAK LAND CO**  
**MOULTONBOROUGH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Moultonborough, Tax Map #159; 182, Lot #11; 1, 7

**2013-01398                      ESTATE OF CHARLES H LORD**  
**GILMANTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Gilmanton, Tax Map #410, Lot #47

**2013-01407                      BEAVER BROOK ASSOCIATION**  
**HOLLIS   Unnamed Stream**

COMPLETE NOTIFICATION:  
Hollis, Tax Map #12; 17, Lot #1; 24



**EXPEDITED MINIMUM**

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**2013-01096                      TOWN OF HOOKSETT DEPT OF PUBLIC WORKS**  
**HOOKSETT   Unnamed Wetland**

**Requested Action:**

Dredge and fill 2,628 sq. ft. of palustrine forested / scrub-shrub wetlands for the reconstruction of Jacob Ave to improve sight distance and roadway safety.

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**APPROVE PERMIT:**

Dredge and fill 2,628 sq. ft. of palustrine forested / scrub-shrub wetlands for the reconstruction of Jacob Ave to improve sight distance and roadway safety.

**With Conditions:**

1. All work shall be in accordance with plans by Keach Nordstrom dated May 2007 (last revised May 12, 2008), as received by the Department on May 03, 2013.
2. Copies of the recorded easement shall be submitted to the Department prior to the start of work.
3. There shall be no wetland impacts associated with the installation of rip rap for the culvert replacement on Map 48 lot 42-1.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. in swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.





**2013-01118 KLOTZ, WILLIAM/YVONNE**  
**EFFINGHAM Flanders Brook**

**Requested Action:**

Restore aquatic habitat for native brook trout along 2,000 linear feet of Flanders Brook by cutting trees/wood into the brook.

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**APPROVE PERMIT:**

Restore aquatic habitat for native brook trout along 2,000 linear feet of Flanders Brook by cutting trees/wood into the brook.

**With Conditions:**

1. All work shall be in accordance with plans by Dick Fortin, as received by the NH Department of Environmental Services (DES) on May 6, 2013.
2. Work shall be done during low flow conditions.
3. Construction shall be inspected daily by a qualified biologist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
4. All in-stream work shall be conducted in a manner to minimize turbidity and sedimentation to surface waters and shall be conducted so as to minimize the duration of construction in the watercourse.
5. Trees that are stabilizing slopes and banks shall be left intact and not cut.
6. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of completion of construction.
7. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
12. Faulty equipment shall be repaired prior to entering jurisdictional areas.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands.

**With Findings:**

1. This is a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(t), as the project proposes to restore degraded aquatic resources that benefit native brook trout.
2. The USDA Natural Resources Conservation Service is providing financial and technical assistance for this trout habitat improvement project.
3. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The NH Natural Heritage Bureau (NHB) has record of a rare wildlife, plant, and/or natural communities present within the vicinity of the project area, but NHB does not expect the species will be impacted by the project.



6. The Effingham Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.

**2013-01123                      TIN MOUNTAIN CONSERVATION CENTER**  
**CONWAY   White Lot Brook**

Requested Action:

Restore aquatic habitat for native brook trout along 1,000 linear feet of White Lot Brook Brook and 1,000 linear feet of an unnamed tributary by cutting trees/wood into the brook impacting approximately 2,300 square feet of the brooks.

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APPROVE PERMIT:

Restore aquatic habitat for native brook trout along 1,000 linear feet of White Lot Brook Brook and 1,000 linear feet of an unnamed tributary by cutting trees/wood into the brook impacting approximately 2,300 square feet of the brooks.

With Conditions:

1. All work shall be in accordance with the approved plans, as received by DES on July 13, 2011.
2. Work shall be done during low flow and between the months of June through August.
3. Only hand tools shall be used.
4. No trees shall that are stabilizing banks or slopes shall be cut.
5. All in-stream work shall be conducted in a manner to minimize turbidity and sedimentation to surface waters and shall be conducted in a manner so as to minimize the duration of construction in the watercourse.
6. If applicable, appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
7. A post-construction report with photographs documenting the status of the completed project shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
8. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(t), as the project proposes to restore degraded aquatic resources that benefit native brook trout.
2. This restoration project is receiving financial support and direct supervision from the US Natural Resources Conservation Service.
3. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
4. The goal of the project is to improve native brook trout habitat, create pools, slow nutrient loss and reduce stream velocity at high flow events.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
7. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Conservation Commission.

**2013-01230                      CARR, JEFF**  
**OSSIPEE   Unnamed Stream**

Requested Action:

Restore aquatic habitat for native brook trout along 1,500 linear feet of an unnamed perennial stream by cutting trees/wood into the



brook.

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**APPROVE PERMIT:**

Restore aquatic habitat for native brook trout along 1,500 linear feet of an unnamed perennial stream by cutting trees/wood into the brook.

**With Conditions:**

1. All work shall be in accordance with plans by Dick Fortin, as received by the NH Department of Environmental Services (DES) on May 14, 2013.
2. Work shall be done during low flow conditions.
3. Construction shall be inspected daily by a qualified biologist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
4. All in-stream work shall be conducted in a manner to minimize turbidity and sedimentation to surface waters and shall be conducted so as to minimize the duration of construction in the watercourse.
5. Trees that are stabilizing slopes and banks shall be left intact and not cut.
6. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of completion of construction.
7. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
12. Faulty equipment shall be repaired prior to entering jurisdictional areas.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands.

**With Findings:**

1. This is a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(t), as the project proposes to restore degraded aquatic resources that benefit native brook trout.
2. The USDA Natural Resources Conservation Service is providing financial and technical assistance for this trout habitat improvement project.
3. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The NH Natural Heritage Bureau (NHB) has no record of rare wildlife, plant, and/or natural communities present within the vicinity of the project area.
6. The Ossipee Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.



## AGRICULTURE MINIMUM

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2013-00956

RYE CONSERVATION COMMISSION

RYE

### Requested Action:

Impact a total of 1,077 square feet of wet meadow to include 861 square feet of permanent impacts to: construct new foundation under existing barn, maintenance dredge two (2) swales for continued usefulness, and replace and the existing 10-inch culvert with a 12-inch culvert to allow better drainage. Temporarily impact 216 square feet to allow equipment access during construction.

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### Conservation Commission/Staff Comments:

See findings.

### APPROVE PERMIT:

Impact a total of 1,077 square feet of wet meadow to include 861 square feet of permanent impacts to: construct new foundation under existing barn, maintenance dredge two (2) swales for continued usefulness, and replace and the existing 10-inch culvert with a 12-inch culvert to allow better drainage. Temporarily impact 216 square feet to allow equipment access during construction.

### With Conditions:

1. All work shall be in accordance with plans and supplemental materials by the Rye Conservation Commission received by DES on May 3, 2013.
2. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
4. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

### With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(u) Maintenance or improvement of existing crop or pasture land for continued agricultural use.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Rye Conservation Commission signed the application.
6. The Rockingham County Conservation District signed the application.





**GOLD DREDGE**

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**2013-01405                      CHAMPIGNY, LEODORE**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc Bath ConCom

**2013-01406                      REILLY, JEFF**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc Bath ConCom

**LAKES-SEASONAL DOCK NOTIF**

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**2013-01247                      NEWFOUND LAKE REGIONAL ASSOC**  
**HEBRON   Newfound Lake**

Requested Action:  
Installation of a seasonal docking structure.  
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COMPLETE NOTIFICATION:  
Installation of a seasonal docking structure.

**2013-01251                      TROMBI, PAUL & PAULA**  
**MEREDITH   Wickwas Lake**

Requested Action:  
Installation of a seasonal docking structure.  
\*\*\*\*\*

COMPLETE NOTIFICATION:  
Installation of a seasonal docking structure.

**2013-01282                      BABCOCK, JOHN**  
**NEW DURHAM   Merrymeeting Lake**

Requested Action:  
Installation of a seasonal docking structure.  
\*\*\*\*\*



COMPLETE NOTIFICATION:  
Installation of a seasonal docking structure.

**2013-01335 FISCHEIN, CHARLES**  
**CENTER OSSIPEE Mill Pond**

Requested Action:  
Installation of a seasonal docking structure.  
\*\*\*\*\*

COMPLETE NOTIFICATION:  
Installation of a seasonal docking structure.

#### ROADWAY MAINTENANCE NOTIF

\*\*\*\*\*

**2013-01347 CLAREMONT DPW, CITY OF**  
**CLAREMONT Unnamed Stream**

COMPLETE NOTIFICATION:  
Replace 18" pipe & install riprap apron at inlet & outlet.

#### CSPA PERMIT

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**2013-00641 MDP REALTY TRUST**  
**LOUDON Soucook River**

Requested Action:  
Impact 148,503 sq ft in order to construct 46 units with septic, wells and access driveway.  
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APPROVE PERMIT:  
Impact 148,503 sq ft in order to construct 46 units with septic, wells and access driveway.

#### With Conditions:

1. All work shall be in accordance with plans by Bedford Design Consultants dated February 4, 2013 and received by the NH Department of Environmental Services (DES) on March 12, 2013.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
3. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
4. No more than 3.45% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.



5. At least 86,597 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2013-01053                      STURTEVANT, SARAH**  
**RUMNEY   Stinson Lake**

Requested Action:

Impact 3,100 sq feet in order to construct a 6 foot wide path toward the reference line.

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APPROVE PERMIT:

Impact 3,100 sq feet in order to construct a 6 foot wide path toward the reference line.

With Conditions:

1. All work shall be in accordance with plans by Wendy Decato dated April 16, 2013 and received by the NH Department of Environmental Services (DES) on April 30, 2013.
2. No more than 10.04% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 2,277 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2013-01109                      HANSCOM, ROBERT**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Impact 2,924 sq ft in order to replace single family dwelling.

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APPROVE PERMIT:

Impact 2,924 sq ft in order to replace single family dwelling.

With Conditions:



1. All work shall be in accordance with plans by Bryan L. Bailey Associates, Inc. dated March 26, 2013 and received by the NH Department of Environmental Services (DES) on May 6, 2013.
2. No more than 10.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2013-01136                      LAROZA, DEBORAH/GREGORY**  
**SUNAPEE   Sunapee Lake**

**Requested Action:**

Impact 22,657 sq ft in order to construct a single family dwelling with associated features.

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**APPROVE PERMIT:**

Impact 22,657 sq ft in order to construct a single family dwelling with associated features.

**With Conditions:**

1. All work shall be in accordance with plans by Geometres Blue Hills, LLC dated March 26, 2013 and received by the NH Department of Environmental Services (DES) on May 7, 2013.
2. No more than 17.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 3,800 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

